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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA and JANET NAPOLITANO,
in her official capacity as President of the
University of California,

Plaintiffs,

v.

US DEPARTMENT OF HOMELAND
SECURITY and ELAINE DUKE, in her
official capacity as Acting Secretary of the
Department of Homeland Security,

Defendants.

Case No. 17-cv-05211-WHA; consolidated
with Case Nos. 17-cv-05235-WHA; 17-cv-
05329-WHA; 17-cv-05380-WHA; 17-cv-
05813-WHA.

**ADMINISTRATIVE MOTION FOR
LEAVE TO FILE BRIEF AMICI CURIAE
OF INSTITUTIONS OF HIGHER
EDUCATION IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY RELIEF**

Hearing Date: December 20, 2017, 8:00am

**ADMINISTRATIVE MOTION FOR LEAVE TO FILE BRIEF AMICI CURIAE OF
INSTITUTIONS OF HIGHER EDUCATION IN SUPPORT OF PLAINTIFFS' MOTION FOR
PRELIMINARY RELIEF**
CASE NOS. 17-cv-05211-WHA; 17-cv-05235-WHA; 17-cv-05329-WHA; 17-cv-05380-WHA;
17-cv-05813-WHA

Pursuant to this Court’s Order Regarding Amicus Briefing, Dkt. 102, the following institutions of higher education respectfully seek leave to file the attached amicus brief in support of plaintiffs’ request for preliminary relief: Amherst College, Asnuntuck Community College, Barnard College, Board of Governors of the California Community Colleges, Boston University, Bowdoin College, Brandeis University, Bucknell University, Capital Community College, Carnegie Mellon University, Case Western Reserve University, Central Connecticut State University, Charter Oak State College, Colby College, Colgate University, University of Connecticut, Eastern Connecticut State University, Emerson College, Gateway Community College, Hampshire College, Housatonic Community College, Lawrence University, Los Angeles Community College District, Los Rios Community College District, Manchester Community College, University of Maryland, University of Michigan, Middlebury College, Middlesex Community College, Mount Holyoke College, Naugatuck Valley Community College, Northeastern University, Northwestern Community College, Norwalk Community College, Pace University, Quinebaug Valley Community College, Rice University, Riverside Community College District, San Francisco Community College District, San Mateo Community College District, Smith College, Southern Connecticut State University, State Center Community College District, Three Rivers Community College, Tufts University, Tunxis Community College, Vassar College, Wellesley College, Western Connecticut State University, and Williams College (collectively “Institutions of Higher Education”).

Amici are institutions of higher education from across the country. *Amici* include large public universities, private research universities and liberal arts colleges, and community colleges. We are located in urban centers and rural farm areas, and throughout states that span the political spectrum. Collectively, *amici* teach and employ millions of people.

Amici have seen firsthand the positive effects of the Deferred Action for Childhood Arrivals (“DACA”) program on their campuses. DACA has facilitated the pursuit of higher education by undocumented youth in unprecedented numbers. And it has ensured that once

1 enrolled, these students are positioned to succeed. As a result of DACA, thousands of these
 2 talented and hard-working young people have made significant and wide-ranging contributions
 3 to *amici*'s campuses. They form a key part of our campus life and as institutions we benefit
 4 greatly from the energy and academic excellence they bring. And, *amici* have made substantial
 5 investments in the education of undocumented youth in reliance on DACA. Although these
 6 students unquestionably benefit from being able to attend our institutions—and this is something
 7 DACA certainly facilitates—we as institutions also benefit significantly from the many
 8 contributions this remarkable group of young people make to our schools.

9 We believe the perspective we bring as institutions is relevant to this case because it will
 10 demonstrate to the Court another group—beyond DACA recipients themselves—that will be
 11 harmed by the Defendants' actions. Count Three of the Complaint alleges a due process
 12 violation based on Defendants' attempted deprivation of Plaintiff's protected interest in a diverse
 13 student body. *See* Dkt. 1. *Amici* Institutions of Higher Education share these very same
 14 interests, and this brief demonstrates that Defendants' arbitrary and capricious actions will
 15 impact institutions large and small throughout the nation.

16 The proposed brief is submitted as an attachment to this motion. Defendants have
 17 advised us that they take no position on the Motion.

18 Dated: November 1, 2017

Respectfully submitted,

20 JENNER & BLOCK LLP

21 /s/ Brian Hauck

22 Brian Hauck

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